

FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES LOG #: WP029

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Return Address:	<u>P.O. Box 82215</u> <u>Baton Rouge, LA 70884-2215</u>	Rule Title:	<u>Mermentau River</u> <u>Basin Use Attainability</u> <u>Analysis (LAC 33:IX.1123)</u>
		Date Rule Takes Effect:	<u>Upon Promulgation</u>

SUMMARY
(Use complete sentences)

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No significant effect of this proposed rule on state or local governmental expenditures is anticipated.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

No significant effect on state or local governmental revenue collections is anticipated.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

No significant costs and/or economic benefits to directly affected persons or non-governmental groups are anticipated.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

No significant effect on competition and employment is anticipated.

Signature of Agency Head or Designee

Linda Korn Levy, Assistant Secretary
Typed Name and Title of Agency Head
or Designee

Date of Signature

LFO 10/05/92

LEGISLATIVE FISCAL OFFICER OR DESIGNEE

Date of Signature

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

The following information is requested in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

The numerical dissolved oxygen (DO) criteria for six streams in the Mermentau River Basin - Bayou Des Cannes (headwaters to Mermentau River, 050101), Bayou Plaquemine Brule (headwater to Bayou Des Cannes, 050201), Bayou Nezpique (headwaters to Mermentau River, 050301), Mermentau River (origin to Lake Arthur, 050401), Bayou Queue de Tortue (headwaters to Mermentau River, 050501), and Lacassine Bayou (headwaters to Grand Lake, 050601) - are being revised. A Use Attainability Analysis (UAA) has determined that naturally dystrophic waters critical periods for DO occur in the months of March through November in the six above-named Mermentau River water body segments. However, while these water bodies may experience naturally occurring seasonal variations in DO, no changes in designated uses are being proposed. The recommended DO criteria are as follows:

December through February	5.0 mg/L
March through November	3.0 mg/L

- B. Summarize the circumstances which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

As part of the Louisiana Water Quality Management Plan the State publishes a list of priority water bodies biennially under CWA Section 305(b). In accordance with CWA Section 303(d), water bodies are placed on the list of priority water bodies because assessment methodology indicates they do not meet applicable water quality standards. After further review and assessment, some of these water bodies may be prioritized for field work, Use Attainability Analyses (UAAs), and if appropriate, water body modeling for Total Maximum Daily Loads (TMDLs). However, until a UAA is conducted to determine the “attainable” uses and criteria, a TMDL based upon national criteria may be inappropriate for many water bodies.

Water bodies which have been classified as the highest priority on Louisiana’s 1998 303(d) list include large perennial streams within the Mermentau River Basin. These water bodies include Bayous des Cannes, Plaquemine Brule, Nezpique, Queue de Tortue, Lacassine and the Mermentau River (LDEQ, 1998). A UAA has been performed to determine the appropriate criteria for DO in Subsegments 050101 (Bayou des Cannes), 050201 (Bayou Plaquemine Brule), 050301 (Bayou Nezpique), 050401 (Mermentau River), 050501 (Queue de Tortue), and 050601 (Bayou Lacassine) of the Mermentau River Water Quality Management Basin. The UAA presents the required information for a site specific water quality standard revision to the DO standard in accordance with state and federal water quality regulations, policies, and guidance.

- C. Compliance with Act II of the 1986 First Extraordinary Session
(1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.

The proposed rule will not result in any increase in the expenditure of funds to the state.

2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?

- (a) ____ Yes. If yes, attach documentation.
(b) ____ No. If no, provide justification as to why this rule change should be published at this time.
This is not applicable

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WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

No significant increase/decrease in costs to implement this rule is anticipated.

COSTS	FY 98-99	FY 99-00	FY 00-01
PERSONAL SERVICES	0	0	0
OPERATING EXPENSES	0	0	0
PROFESSIONAL SERVICES	0	0	0
OTHER CHARGES	0	0	0
EQUIPMENT	0	0	0
TOTAL	0	0	0
MAJOR REPAIR & CONST.	0	0	0
POSITIONS(#)	0	0	0

2. Provide a narrative explanation of the costs or savings shown in "A.1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

This is not applicable.

3. Sources of funding for implementing the proposed rule or rule change.

This is not applicable.

SOURCE	FY 98-99	FY 99-00	FY 00-01
STATE GENERAL FUND	0	0	0
AGENCY SELF-GENERATED	0	0	0
DEDICATED	0	0	0
FEDERAL FUNDS	0	0	0
OTHER (Specify)	0	0	0
TOTAL	0	0	0

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

The Department currently has sufficient funds to implement the amendment.

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WORKSHEET

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements. Describe all data, assumptions and methods used in calculating this impact.

No significant impact is anticipated on local governments, including adjustments in workload and paperwork requirements.

2. Indicate the sources of funding of the local governmental unit which will be affected by these costs or savings.

No significant effect on any sources of funding of local governmental units is anticipated to result from the implementation of the proposed rule.

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

- A. What increase (decrease) in revenues can be anticipated from the proposed action?

No significant increase/decrease in revenues is anticipated.

REVENUE INCREASE/DECREASE	FY 98-99	FY 99-00	FY 00-01
STATE GENERAL FUND	0	0	0
AGENCY SELF-GENERATED	0	0	0
RESTRICTED FUNDS*	0	0	0
FEDERAL FUNDS	0	0	0
LOCAL FUNDS	0	0	0
TOTAL	0	0	0

*Specify the particular fund being impacted.

- B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

This is not applicable.

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

No significant effect on directly affected persons or non-governmental groups is anticipated.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

No significant impact on receipts and/or income is anticipated.

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WORKSHEET

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

No significant impact on competition and employment is anticipated.

NOTICE OF INTENT

Department of Environmental Quality
Office of Water Resources
Water Quality Management Division

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality Management Division regulations, LAC 33:IX.1123.C.3 (Log #WP029).

As part of the Louisiana Water Quality Management Plan the state publishes a list of priority water bodies biennially under Clean Water Act (CWA) section 305(b). In accordance with CWA section 303(d), water bodies are placed on the list of priority water bodies because assessment methodology indicates they do not meet applicable water quality standards. After further review and assessment, some of these water bodies may be prioritized for field work, Use Attainability Analyses (UAAs), and if appropriate, water body modeling for Total Maximum Daily Loads (TMDLs). However, until a UAA is conducted to determine the "attainable" uses and criteria, a TMDL based upon national criteria may be inappropriate for many water bodies. Water bodies which have been classified as the highest priority on Louisiana's 1998 303(d) list include six streams in the Mermentau River Basin: Bayou Des Cannes - headwaters to Mermentau River, 050101; Bayou Plaquemine Brule - headwaters to Bayou Des Cannes, 050201; Bayou Nezpique - headwaters to Mermentau River, 050301; Mermentau River - origin to Lake Arthur, 050401; Bayou Queue de Tortue - headwaters to Mermentau River, 050501; and Lacassine Bayou - headwaters to Grand Lake, 050601. A UAA has determined that naturally dystrophic waters critical periods for dissolved oxygen (DO) occur in the months of March through November in these six Mermentau River water body segments. However, while these waters bodies may experience naturally occurring seasonal variations in DO, no changes in designated uses are being proposed. The recommended DO criteria are: December through February - 5.0 mg/L, and March through November - 3.0 mg/L. The UAA presents the required information for a site specific water quality standard revision to the DO standard in accordance with state and federal water quality regulations, policies, and guidance.

The basis and rationale for this proposed rule are to comply with the CWA and achieve the national goal of attaining water quality which provides for the protection and propagation of fish, shellfish, and wildlife, and provides for recreation in and on the water. Analyses of use attainability are conducted by the department to determine the uses and criteria an individual water body can attain. The UAA process entails the methodical collection of data which is then scientifically analyzed and summarized and used to establish site-specific uses and criteria.

This proposed rule meets the exceptions listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

A public hearing will be held on July 27, 1998, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by WP029. Such comments must be received no later than August 3, 1998, at 4:30 p.m., and should be sent to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA 70884 or to FAX (504) 765-0486. Copies of this proposed regulation can be purchased at the above referenced address. Contact the Investigations and Regulation Development Division at (504) 765-0399 for pricing information. Check or money order is required in advance for each copy of WP029.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard, West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; or on the Internet at <http://www.deq.state.la.us/olae/irdd/olaeregs.htm>.

Linda Korn Levy
Assistant Secretary

TITLE 33
ENVIRONMENTAL QUALITY
PART IX. WATER QUALITY REGULATIONS

Chapter 11. Surface Water Quality Standards

§1123. Numerical Criteria and Designated Uses

* * *

[See Prior Text in A - C.2]

3. Designated Uses. The following are the category definitions of Designated Uses that are used in Table 3 under the subheading "DESIGNATED USES."

- A - Primary Contact Recreation
- B - Secondary Contact Recreation
- C - Propagation of Fish and Wildlife
- L - Limited Aquatic Life and Wildlife Use
- D - Drinking Water Supply
- E - Oyster Propagation
- F - Agriculture
- G - Outstanding Natural Resource Waters

Numbers in brackets (e.g. [1])-refer to endnotes listed at the end of the table.

Table 3. Numerical Criteria and Designated Uses										
Code	C	Stream Description	Designated Uses	Criteria						
				CL	SO ₄	DO	pH	BAC	°C	DS T
		ATCHAFALAYA RIVER BASIN (01)								
*** [See Prior Text in 010101 - 042209]										
		MERMENTAU RIVER BASIN (05)								
50101	0	Bayou Des Cannes - Headwaters to Mermentau River	A B C F	90	30	5-0 [16]	6 .0-8.5	1	32 60	2
*** [See Prior Text in 050102 - 050103]										
50201	0	Bayou Plaquemine Brule - Headwaters to Bayou Des Cannes	A B C F	90	30	5-0 [16]	6 .0-8.5	1	32 60	2
50301	0	Bayou Nezpique - Headwaters to Mermentau River	A B C F	90	30	5-0 [16]	6 .0-8.5	1	32 60	2
*** [See Prior Text in 050302 - 050304]										
50401	0	Mermentau River - Origin to Lake Arthur	A B C F	90	30	5-0 [16]	6 .0-8.5	1	32 60	2
*** [See Prior Text in 050402]										
50501	0	Bayou Queue de Tortue - Headwaters to Mermentau River	A B C F	90	30	5-0 [16]	6 .0-8.5	1	32 60	2
50601	0	Lacassine Bayou - Headwaters to Mermentau River <u>Grand Lake</u>	A B C F	90	30	5-0 [16]	6 .0-8.5	1	32 00	4
*** [See Prior Text in 050602 - 120806]										

ENDNOTES :

[See Prior Text in [1] through [15]]

[16] Designated Naturally Dystrophic Waters Segment; Seasonal DO Criteria: 5 mg/L December - February, 3 mg/L March - November.

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).
HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 15:738 (September 1989), amended LR 17:264 (March 1991), LR 20:431 (April 1994), LR 20:883 (August 1994), LR 21:683 (July 1995), LR 22:1123 (November 1996), LR **